

AMENDED IN ASSEMBLY JUNE 10, 2002

AMENDED IN SENATE MAY 7, 2002

AMENDED IN SENATE APRIL 10, 2002

SENATE BILL

No. 1404

Introduced by Senator Chesbro

February 13, 2002

An act to amend Sections 4125, 4136, and 4340 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1404, as amended, Chesbro. State hospitals for the mentally disordered: patient funds: self-help groups.

Existing law imposes various functions and duties on the State Department of Mental Health with respect to the administration of state institutions for the mentally disordered. Existing law provides that the institutions over which the department has jurisdiction are Atascadero, Metropolitan, Napa, and Patton State Hospitals.

Existing law authorizes the Director of Mental Health to deposit funds of patients in trust, as specified. Existing law also authorizes the hospital administrator, with the consent of the patient, to deposit the interest or increment on the funds of the patient in the state hospital in a special fund for each state hospital, designated the "Benefit Fund," and requires the hospital administrator to be the trustee of the fund. Existing law authorizes the hospital administrator, with the approval of the Director of Mental Health, to expend moneys in the fund for the education or entertainment of the patients of the institution.

This bill would require that the hospital administrator ~~to~~ take into consideration the recommendations of representatives from patient

government before expending any moneys in the fund. This bill would also require the Director of Mental Health to provide to the Legislature, no later than August 15 of each year, a summary data sheet containing information on how the benefit fund at each state hospital was expended in the previous fiscal year.

Existing law requires that each patient in a state hospital for the mentally disordered who has resided in the state hospital for a period of at least 30 days be paid a specific amount of aid for his personal and incidental needs.

This bill would require that, in addition, each patient be allotted materials and postage, as specified, for letter writing at no cost to the patient, and that the hospital administrator ensure that additional postage and writing materials are available for purchase on hospital grounds.

Existing law requires the department to maintain a statewide mental health prevention program directed toward reducing the need for utilization of the treatment system and the development and strengthening of community support and self-help networks.

This bill would require the department to support the establishment of self-help groups at state hospitals ~~and to ensure that each patient at a state hospital is encouraged to participate in a self-help group, unless specified conditions exist.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4125 of the Welfare and Institutions
2 Code is amended to read:
3 4125. (a) The director may deposit any funds of any patient
4 in the possession of each hospital administrator of a state hospital
5 in trust with the treasurer pursuant to Section 16305.3 of the
6 Government Code or, subject to the approval of the Department of
7 Finance, may deposit these funds in an interest-bearing bank
8 account or invest and reinvest these funds in any security described
9 in Article 1 (commencing with Section 16430) of Chapter 3 of Part
10 2 of Division 4 of Title 2 of the Government Code, and for the
11 purposes of deposit or investment only may mingle the funds of
12 any patient with the funds of any other patient. The hospital
13 administrator with the consent of the patient may deposit the



1 interest or increment on the funds of a patient in the state hospital
2 in a special fund for each state hospital, to be designated the
3 “Benefit Fund,” of which the hospital administrator shall be the
4 trustee. He or she may, with the approval of the director, ~~and~~ after
5 taking into consideration the recommendations of representatives
6 of patient government *and recommendations submitted by patient*
7 *groups*, expend the moneys in this fund for the education or
8 entertainment of the patients of the institution.

9 (b) On and after December 1, 1970:

10 (1) The funds of a patient in a state hospital or a patient on leave
11 of absence from a state hospital shall not be deposited in
12 interest-bearing bank accounts or invested and reinvested pursuant
13 to this section except when authorized by the patient.

14 (2) Any interest or increment accruing on the funds of a patient
15 on leave of absence from a state hospital shall be deposited in his
16 or her account.

17 (3) Any interest or increment accruing on the funds of a patient
18 in a state hospital shall be deposited in his or her account, unless
19 the patient authorizes their deposit in the state hospital’s benefit
20 fund.

21 (c) Any state hospital charges for patient care against the funds
22 of a patient in the possession of a hospital administrator or
23 deposited pursuant to this section and used to pay for that care,
24 shall be stated in an itemized bill to the patient.

25 (d) No later than August 15 of each year, the director shall
26 provide to the Legislature a summary data sheet containing
27 information on how the benefit fund at each state hospital was
28 expended in the previous fiscal year.

29 SEC. 2. Section 4136 of the Welfare and Institutions Code is
30 amended to read:

31 4136. (a) Each patient in a state hospital for the mentally
32 disordered who has resided in the state hospital for a period of at
33 least 30 days shall be paid an amount of aid for his or her personal
34 and incidental needs that, when added to his or her income, equals
35 twelve dollars and fifty cents (\$12.50) per month. If a patient elects
36 to do so, a patient may save all or any portion of his or her monthly
37 amount of aid provided for personal and incidental needs for
38 expenditure in subsequent months.

39 (b) Each patient in a state hospital for the mentally disordered
40 shall be allotted sufficient materials for one letter each week,

1 including postage in an amount not to exceed the cost of one stamp
2 for first-class mail for a one-ounce letter, at no cost to the patient.
3 A newly admitted patient, for the first 30 days after his or her initial
4 admission, shall be allotted sufficient materials for two letters each
5 week, including postage for first-class mail for up to two
6 one-ounce letters per week. The hospital administrator shall
7 ensure that additional writing materials and postage are available
8 for purchase by patients at the store or canteen on hospital grounds.

9 SEC. 3. Section 4340 of the Welfare and Institutions Code is
10 amended to read:

11 4340. ~~(a)~~ The department shall maintain a statewide mental
12 health prevention program directed toward a reduction in the need
13 for utilization of the treatment system and the development and
14 strengthening of community support and self-help networks. The
15 department shall support the establishment of self-help groups,
16 which may be facilitated by an outside entity, subject to the
17 approval of the hospital administrator, at state hospitals.

18 ~~(b) The department shall ensure that each patient at any state~~
19 ~~hospital as defined in Section 4100 is encouraged to participate in~~
20 ~~a self-help group at the hospital, unless either of the following is~~
21 ~~applicable:~~

22 ~~(1) Participation by the patient is considered, by professional~~
23 ~~staff of the hospital, to be clinically inappropriate.~~

24 ~~(2) Participation by the patient is contrary to existing and~~
25 ~~necessary safety and security considerations.~~